

MINUTES

UTAH Security Services Licensing Board MEETING

August 9, 2007

**Room 474 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:13 a.m.

ADJOURNED: 11:50 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

James Young, Chairperson
Paul K Roth
Sheriff Merrell

Board Members Absent:

Johnny McCoy
Clayton Merchant
Marci McGregor

Guests:

Robert Anderton, Peak Alarm & PACSCO Chairperson
Russ Steadman, All American Security
Zac Anderson, All American Security
Clark Aposhian, Justice Education Security
Jeffrey Paulsen, Justice Education Security

DOPL Staff Present:

F David Stanley, Division Director

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Minutes from April 12, 2007

Minutes from June 14, 2007

Elect a new Chairperson

Swear in New Board Member

DECISIONS AND RECOMMENDATIONS

The minutes from the April 12, 2007 Board Meeting were tabled, due to a lack of a quorum.

The minutes from the June 14, 2007 Board Meeting were tabled, due to a lack of a quorum.

Electing a new Chairperson was tabled until the October 11, 2007 meeting, due to a lack of a quorum.

Mr. Ormond conducted the Oath of Office to Sheriff Merrell, and welcomed him to the Board.

APPOINTMENTS:

9:15 a.m. Morrow, Duane

Mr. Morrow failed to appear for his scheduled appointment with the Board. It was determined that he is not in compliance with his MOU (Memorandum of Understanding), a letter of non-compliance will be sent requiring Mr. Morrow to appear at the October 11, 2007 meeting at 9:30 a.m.

It was later determined that Mr. Morrow had been released from his probation on November 6, 2006, based on completion of his Court Ordered Probation.

9:30 a.m. Eike, Matthew

Mr. Eike appeared for his scheduled appointment with the Board. Mr. Eike informed the Board that he is currently working for Wasatch Security.

After a brief discussion Mr. Eike was reminded that to remain in compliance with his MOU he must submit his quarterly "Employer Reports". Mr. Eike will meet again with the Board on October 11, 2007 at 9:15 a.m.

9:45 a.m. Johnson, Derick

Mr. Johnson appeared for his scheduled appointment with the Board. A positive Employer Report was received from Mr. Valdez of CBI Security.

After a brief discussion it was determined the Mr. Johnson is in compliance with his MOU, and will meet again with the Board on December 13, 2007 at 9:00 a.m.

10:00 a.m. Sommer, Sheldon

Mr. Sommer failed to appear for his scheduled appointment with the Board. It was determined that he is not in compliance with his MOU. Mr. Ormond will contact Mr. Sommer to explain the appropriate procedure to surrender his license.

10:15 a.m. Wasatch Security

Mr. Ormond explained that Mr. Harris will not be appearing for his scheduled appointment with the Board. The Division determined that they will review Wasatch Security's application for Replacement of Qualifying Agent, to determine if Mr. Harris meets the requirements for licensure.

Mr. Anderton expressed PACSCO's (Professional Alliance of Contract Security Companies) concern with Wasatch Security working without an approved Qualifying Agent for the past six months. Mr. Ormond agreed, adding that the Company has been trying to get Mr. Harris approved since, February 2007.

Mr. Nahley appeared for his first probationary interview with the Board. Mr. Ormond reviewed Mr. Nahley's Stipulation and Order and explained that Mr. Nahley was convicted of Criminal Trespass a Class B misdemeanor, on July 23, 2007 by the Second District Court in Ogden. Mr. Nahley was placed on a two-year probation, where he must meet with the Board on a Quarterly Basis, submit Quarterly Employer Reports, and complete his Court Ordered Probation.

After a brief discussion it was determined that Mr. Nahley is in compliance with his Stipulation and Order, and will meet again with the Board on October 13, 2007 at 10:00 a.m.

11:00 a.m. Perfili, John

Mr. Perfili failed to appear for his scheduled appointment with the Board. It was determined that he is not in compliance with his MOU, a letter of non-compliance will be sent requiring Mr. Perfili to be available for a telephone interview on October 11, 2007 at 9:45 a.m.

11:15 a.m. Viliamu, Onolina

Ms. Viliamu failed to appear for her scheduled appointment with the Board. It was determined that she is not in compliance with her MOU, a letter of non-compliance will be sent requiring Ms. Viliamu to appear at the October 11, 2007 meeting at 10:15 a.m.

Ms. Viliamu later called and explained that she failed to appear due to a medical problem with a family member. Ms. Viliamu was reminded that to remain in compliance with her MOU, she must comply with all requirements of her MOU.

Justice Education Security

Mr. Aposhian and Mr. Paulsen of Justice Education Security appeared before the Boards to have there application for licensure as a Contract Security Company reviewed.

Mr. Ormond reviewed Justice Education Security's application, with Mr. Aposhian as the Qualifying Agent. It was then recommended that if Mr. Aposhian meets all requirements for licensure and a completed application is submitted to the Division, Mr. Aposhian may be approved as the Qualifying Agent for his company.

DISCUSSION ITEMS:

Definition of "Direct Supervision"

Mr. Ormond addressed the Board explaining that the Legislative Review Committee felt that there was no conformity in how any of the Divisions professions define "Supervision". Mr. Ormond explained that Mr. Stanley is proposing adding a section to R156-1 which will primarily

define three levels of Supervision; Direct Supervision, Indirect Supervision, and General Supervision. Mr. Ormond then asked the Board to review the suggestions and notify the Division if they wished to incorporate all, part, or none of Mr. Stanley's suggestions, by October 2007.

Mr. Stanley commented that the current definition of "Immediate Supervision" is vague, the Board Members present agreed. After a detailed discussion it was determined to amend R156-63, and adopt "Direct Supervision" and "General Supervision".

It was then decided to discuss this issue at the next meeting on October 13, 2007 to ensure that all Board Members agree.

PACSCO – Rules Change R156-63-613

Mr. Anderton reviewed a letter, which he submitted to the Division, recommending modifying R156-63-613 to "require security companies to notify DOPL (Division of Occupational and Professional Licensing) in the event a Wage & Hour claim is filed for unpaid wages in excess of \$350.00" Mr. Anderton explained that PACSCO was concerned with this issue, based on if a company is not appropriately paying their employees they may not be keeping their required insurances in tact. Mr. Anderton further explained that at minimum it would alert the Division that a company may not be in compliance with the established insurance requirements.

Mr. Anderton then questioned the Board, if they felt that it was an ethical violation of this profession, for an "individual to be working for one licensed company, while soliciting business for a new company?" Mr. Ormond explained that there is not an ethical standard established by Statute or Rule for this profession, adding that other professions have made it "Unprofessional Conduct" to violate an Associations Code of Ethics. Mr. Anderton then stated that he would review PACSCO's current Code of Ethics to insure that it covered Companies, Qualifying Agents and Security Guards, the Board agreed.

Proprietary Supervisory Experience

Mr. Ormond explained to the Board that 58-63-302 (1)(c)(ii) "Qualifications for Licensure for a Contract Security Company, Qualifying Agent" does not allow for experience from a Proprietary Security Company to be accepted. Due to the number of inquiries, in the past few months, Mr. Ormond questioned if the experience from a Proprietary Security Company was equal to that of a Contract Security Company. Mr. Rothe stated that he has worked for both Contract and Proprietary Companies.

Adding that he did not feel that Proprietary experience was equal to the current Contract Security requirements

Budget – Expenditures

Mr. Ormond explained to the Board that there is currently about \$7,000.00 available, that the Board could choose to use for:
Enforcement; Send Board Members or Division Staff to professional conferences; or for other profession specific reasons.

CORRESPONDENCE:

Utah Qualifying Agent Exam Review

The Board was informed to be prepared for the October 11, 2007 meeting to last most of the day. Due to reviewing the Utah Qualifying Agent Exam, with Thompson Prometric.

ADJOURN: 11:50 a.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

October 11, 2007

(ss) Marci McGregor

Date Approved

Chairperson, Contact Security Licensing Board

October 11, 2007

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing